

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDS SDNY  
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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 1/6/20

PER MAGNE EIDEM,

Petitioner,

-v-

DANA MARIE EIDEM,

Respondent.

No. 18-cv-6153 (RJS)  
SEALED ORDER AND WARRANT

RICHARD J. SULLIVAN, Circuit Judge:

In light of Respondent's stated intention not to comply with the Court's January 3, 2020 Order to turn over the parties' children and all necessary travel documents to Petitioner at 9:00 a.m. tomorrow, January 6, 2020 (Doc. Nos. 124, 125, 126), and, after consultation with the United States Marshals Service ("USMS"), in order to effectuate the safe and orderly return of the parties' children to Norway pursuant to the Hague Convention and this Court's April 29, 2019 Opinion and Order (Doc. Nos. 98, 121, 122), IT IS HEREBY ORDERED THAT:

1. Petitioner's request (Doc. No. 125) for the Court to issue a warrant to arrest Respondent and seize the parties' children is GRANTED, subject to the conditions in this Order and Warrant. *See, e.g., In re One Infant Child*, No. 12-cv-7797 (PKC) (S.D.N.Y. Nov. 1, 2012), ECF No. 5; *Antonio v. Bello*, No. 04-cv-1555, 2004 WL 1895125, at \*1 (N.D. Ga. June 2, 2004).

2. The USMS, and any state or local law enforcement personnel, mental health professionals, and/or emergency medical technicians, in coordination with the USMS, are authorized to take all necessary and lawful steps, including reasonable and appropriate force, to remove T [REDACTED] and N [REDACTED] Eidem from the custody of Respondent Dana Marie Eidem at 435

West 31st Street, Apt. 27F, New York, NY 10001, or any location where the children may be found, and deliver them as soon as practicable into the custody of Petitioner Per Magne Eidem.

3. Respondent is in civil contempt and shall be incarcerated until such time as she signs and procures all necessary travel documents to effectuate the return of the children to Norway, or until further order of this Court. *See CBS Broad. Inc. v. FilmOn.com, Inc.*, 814 F.3d 91, 98 (2d Cir. 2016); *Gucci Am., Inc. v. Li*, No. 10-cv-4974 (RJS), 2015 WL 7758872, at \*1–2 (S.D.N.Y. Nov. 30, 2015) (contempt standard satisfied “where contemnor ha[d] made clear, in writing and in conferences before the Court, that it d[id] not intend to comply with the Court’s orders”) (*See also* Doc. Nos. 98 at 15 n.3, 108, 113, 124; Transcript of June 18, 2019 conference.)

4. The USMS shall serve a copy of this Order and Warrant on Respondent.

5. The USMS is authorized to disclose the contents of this Order and Warrant to any individual or agency as it deems necessary.

6. The USMS shall notify the Court promptly upon the effectuation of this Order and Warrant.

SO ORDERED.

Dated: January 5, 2020  
New York, New York

  
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RICHARD J. SULLIVAN  
UNITED STATES CIRCUIT JUDGE  
Sitting by Designation